

COACHELLA VALLEY MOUNTAINS CONSERVANCY
RE-SCHEDULED REGULAR Meeting – February 25, 2013, 3:00 PM
73-710 Fred Waring Drive, Conference Room 115
Palm Desert, CA 92260

Tele-conference locations:

State of California, Department of Finance
State Capitol, Room 1145
Sacramento, CA 95814

AGENDA

1.0 Call to Order & Introductions

2.0 Approval of Minutes of January 14, 2013 meeting (Attachment 1.)

3.0 Public Comments on Items Not on the Agenda

At this time any member of the public may address the Governing Board on any item not on the agenda. The Board cannot take action on an item not on the agenda, but it can place it on the agenda for a future meeting. For items on the agenda, there will be an opportunity to speak when that item is heard. The Chair may limit the time for each speaker. Any written material may be submitted to the person taking minutes.

4.0 Action items – public hearing (If there is any member of the public who wishes to address the Governing Board before action is taken, testimony from the public should be taken prior to a vote.)

4.1 Establish Search Committee for a replacement of the Executive Director and determine if additional special meetings are required for the selection process (Attachment 2.)

4.2 Approve a Memorandum of Understanding (MOU) between the Conservancy, Friends of the Desert Mountains and the Coachella Valley Conservation Commission for the cooperative management of conservation lands and authorize the Executive Director to sign the MOU. (Attachment 3.)

4.3 Resolution 2013-03 approving a local assistance grant to the Friends of the Desert Mountains to support the acquisition of approximately 3,054 acres in the Dos Palmas Conservation Area (Attachment 4.)

4.4 Resolution 2013-04 approving the Board's support to provide matching funds for potential federal Section 6 and Wildlife Conservation Board grants to the Friends of the Palm Springs Mountains for Chino Cone area acquisitions (Attachment 5.)

- 4.5 Resolution 2013-05 approval of a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 51.33 acres in the Willow Hole Conservation Area (Attachment 6.)
- 4.6 Resolution 2013-06 approval of a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 39.4 acres in the Upper Mission Creek/Big Morongo Canyon Conservation Area (Attachment 7.)

5.0 Closed Session – No matters scheduled

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.

6.0 Reports

- 6.1 Written reports from staff (See Attachment 8.)
- 6.2 Board Member comments and reports from Conservancy member agencies. This is an opportunity for any of the Governing Board Members to present a report on matters of interest regarding the agency he or she represents.

7.0 Adjourn to the March 11, 2013 meeting

This agenda is available on our website at <http://www.cvmc.ca.gov>. Anyone with questions about any item on the agenda may contact the Conservancy at 73-710 Fred Waring Drive, Suite 205, Palm Desert, CA 92260. The phone number is (760) 776-5026.

ATTACHMENT 1 – February 25, 2013

Agenda Item 2.0 Approval of Minutes of January 14, 2013 meeting

COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
January 14, 2013- 3:00 p.m.

MINUTES

MEMBERS PRESENT:

Russell Betts, City of Desert Hot Springs
John J. Benoit, Riverside County Supervisor, District IV
Jean Benson, City of Palm Desert
Tom Davis, Agua Caliente Band of Cahuilla Indians
John Donnelly, Wildlife Conservation Board
Karen Finn, California State Department of Finance
Jim Foote, U.S. Forest Service (Non-voting member)
Kristy Franklin, City of La Quinta
John Kalish, Bureau of Land Management
Patrick Kemp, Natural Resources Agency
Eddy Konno, California Department of Fish and Game
Karin Messaros, National Park Service
Chris Mills, City of Palm Springs
Allan Muth, University of California
Greg Pettis, City of Cathedral City
Paul Riesman, California State Parks
Mary Roche, City of Indian Wells
Iris Smotrich, City of Rancho Mirage
Ellen Lloyd Trover, Senate Rules Committee Appointee–
(*Vice-Chairwoman*)
Ted Weill, City of Rancho Mirage

MEMBERS ABSENT:

Buford Crites, State Assembly Appointee–(*Chairman*)
Joan Taylor, Governor's Appointee

STAFF PRESENT:

Kevin McKernan, Executive Director
Kerrie Godfrey, Associate Governmental Program Analyst
Baine Kerr, Deputy Attorney General

STAFF ABSENT:

Diana Paz, Staff Services Analyst

OTHERS PRESENT:

Britt Wilson, Management Analyst, City of Rancho Mirage
Gail Sevens, Colorado Desert District, California State Parks

1.0 Call to Order & Introductions

Vice Chairwoman Trover declared a quorum with 18 voting members present at 3:05 pm.

2.0 Approval of Minutes of November 5, 2012 meeting

Vice Chairwoman Trover asked if there were any comments additions or changes to the November 5, 2012 Minutes. There was no further discussion, so a motion was made and seconded (Mills/Muth) to approve the Minutes. The November 2012 Minutes were approved by a roll call vote of the 18 Board members present with 11 yes and 7 abstentions.

3.0 Public Comments on Items Not on the Agenda

There were no comments on any items not on the agenda.

Vice-Chairwoman Trover noted an Amendment to the agenda which Executive Director, Kevin McKernan, would present to the Board.

Kevin discussed the Riverside County Tax Default Properties as the amendment to the agenda and asked the Board members to only consider this item as an informational item for the next months meeting. He explained that the Conservancy identifies and tracks defaulted properties for both the Coachella Valley Conservation Commission (CVCC) and the Friends of the Desert Mountains (FODM) for suitable conservation acquisitions. The normal procedure is to identify suitable parcels that meet the criteria, object to the sale of the parcels and follow through with commitments to purchase the parcels from the County before going to public auction.

In the past, FODM has acquired such properties with their discretionary funds however, this unique subject holds a large number of parcels under one single ownership in the Dos Palmas Conservation area with a purchase price of approximately \$1.5M (\$500 per acre) for 2,912 acres. FODM is requesting that the Conservancy Board approve a local assistance grant for \$1.5M for the acquisition of approximately 2,912 acres which would include the subject parcels that also connect to existing conservation lands in the Dos Palmas area. The County is requesting a binding resolution from FODM by March 6th as a commitment to purchase the parcels.

Kevin and Baine Kerr, Deputy Attorney General, confirmed that this item did not meet the Bagley Keene requirement (11125(b).) of a 48-hour notice of any amendment/addendum to the agenda. Kevin asked that the board consider moving the March meeting to an earlier date of February 25th in order for FODM to object to the sale of the parcels and meet the County's deadline.

No motion or vote was taken for this informational item.

4.0 Action Items - public hearing Agenda Item

4.1 Election of Chair and Vice-Chair.

Vice Chairwoman Trover opened the floor for nominations of Chair and Vice-Chair. Ellen Lloyd Trover was nominated for Chair by Board member Franklin and Buford Crites was nominated for Vice-Chair by Board member Benoit.

A motion was made and seconded (Franklin/Benoit) to elect Ellen Lloyd Trover as Chair. The motion passed by a unanimous roll call vote of the 18 Board members present.

A motion was made and seconded (Benoit/Betts) to elect Buford Crites as Vice-Chair. The motion passed by a unanimous roll call vote of the 18 Board members present.

4.2 Resolution 2013-01 approving a local assistance grant to the Friends of the Desert Mountains for appraisal and acquisition of identified parcels in the project area known as the East Valley Canyons Protection Project.

Kevin McKernan proposed the Friends of the Desert Mountains (FODM) request for a local assistance grant for appraisal and acquisition of approximately 182 parcels comprising approximately 5,563 acres. He identified some of the parcel locations to be in linkage with conservation parcels already owned by FODM and Joshua Tree National Park. Additionally, he stated that the long-term plan for such parcels would be to transfer them to the Park Service for inclusion in Joshua Tree National Park and the other parcels would possibly be transferred to Bureau of Land Management (BLM) in areas of wilderness or other future protective land designations.

A motion was made and seconded (Benoit/Mills) to adopt the motion. The motion passed by a unanimous roll call vote of the 18 Board members present.

4.3 Resolution 2013-02 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 93.49 acres in the Indio Hills/Joshua Tree National Park Linkage Conservation Area.

Kevin McKernan proposed to the Board the Friends of the Desert Mountains (FODM) request for a local assistance grant not exceed \$34,000 for the two parcels (approximately 93.49 acres) owned by willing sellers which are located in what is known as Pushawalla Canyon and have been identified as a potential wildlife corridor linkage to Joshua Tree National Park.

A motion was made and seconded (Mills/Benoit) to adopt the motion. The motion passed by a unanimous roll call vote of the 18 Board members present.

5.0 Closed Session – No matters scheduled

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters

and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions.

6.0 Reports

6.1 Written Reports.

Kevin McKernan provided the Board with a very brief update on acquisitions and acquisition priorities. Desert Ranch II closed on 11/28/12, Angel Cove closed on 11/13/12 and Palmwood is expected to close by 1/31/13. Stokes project however, may be canceled as seller is no longer willing to sign deed and WCB Section 6 funds would be appropriated to another project.

Kevin also thanked all of the Board members for submitting their Ethics Training Certificates and reminded them of the Form 700 due to the CVMC office no later than March 29, 2013.

6.2 Board Member comments and reports from Conservancy member agencies.

Russell Betts commented on Palmwood and the progress with the clean-up of the property. Kevin McKernan pointed out that it was 883 acres in Palmwood which the landowner was responsible for cleaning up before the purchase of the property.

Allan Muth inquired on the grant guidelines after property has been transferred; Kevin confirmed that the same grant guidelines are followed.

7.0 Adjourn to the February 25th, 2013 meeting

The meeting was adjourned without objection at 4:00 p.m.

ATTACHMENT 2 - February 25, 2013

Agenda Item 4.1 Establish Search Committee for a replacement of the Executive Director and determine if additional special meetings are required for the selection process.

BACKGROUND

The Conservancy is in the process of selecting a new Executive Director (ED). Kevin McKernan is resigning effective February 28th, 2013. The primary action before the Board today is to determine the establishment of a search committee to pursue finding a successor for the position of ED. The position of ED is not a rank and file position, thus the process for recruiting and hiring an ED depends on the Board's discretion.

Kevin has offered to work with the search committee on a replacement ED. The job announcement has been posted on the Conservancy's website as well as on the State Personnel Board website. Board Members are encouraged to notify staff with any qualified candidates.

STAFF RECOMMENDATION

Staff recommends that the Board empower the Board Chair to put together a committee of Board members along with the Conservancy's two remaining staff members. If the committee is small in size it will not be subject to the Bagley-Keene act, as it will not have more than a majority. Staff also recommends discussion and possible action for a future special meeting following the search committee's process to enable the Board to select a final candidate for an offer of employment.

ATTACHMENT 3 – February 25th, 2013

- Agenda Item 4.2** Approve a Memorandum of Understanding (MOU) between the Conservancy, Friends of the Desert Mountains and the Coachella Valley Conservation Commission for the cooperative management of conservation lands and authorize CVMC Staff to sign the MOU.

BACKGROUND

The Coachella Valley Mountains Conservancy (CVMC) is currently working with Friends of the Desert Mountains (Friends) and the Coachella Valley Conservation Commission (CVCC) on ways to cooperate in management and monitoring of lands owned by our respective agencies in the Conservation Areas. There are a number of locations where CVMC lands occur adjacent to or in the vicinity of Friends or CVCC lands. Staff is working with them on posting signs, installing fences or other barriers, and limiting access for illegal off-highway vehicle use and dumping. Collaboration with Friends and the CVCC provides a great opportunity to leverage limited resources through cooperative management, resulting in efficiencies and increased effectiveness for all three entities. Exhibit A is a non-binding Memorandum of Understanding which memorializes this cooperative partnership and identifies ways the parties can cooperate through staff coordination and cooperation, shared resources, and participation by Friends' volunteers. The MOU has been reviewed by CVCC counsel, Friends and CVMC. It has also been reviewed and approved by CVMC's Deputy Attorney General Baine Kerr.

STAFF RECOMMENDATION

Staff recommends approval of the MOU and recommends authorizing the Executive Director or his/her designee in consultation with the Deputy Attorney General to make minor non-material changes.

Exhibit A
MEMORANDUM OF UNDERSTANDING
Among
Friends of the Desert Mountains, Coachella Valley Mountains Conservancy,
And Coachella Valley Conservation Commission
Regarding Cooperative Management of Properties

This Memorandum of Understanding ("MOU") is made and effective as of February 25, 2013 among the Friends of the Desert Mountains ("Friends"), the Coachella Valley Mountains Conservancy ("Conservancy"), and the Coachella Valley Conservation Commission ("CVCC") (collectively the "Parties") for the cooperative management of conservation land (described herein as the "Properties") located in the Coachella Valley owned by the Friends, or by the Conservancy on behalf of the State of California, or by the CVCC.

RECITALS

WHEREAS, Conservancy is a public agency of the State of California, authorized to acquire and manage open space and park lands under the California Public Resources Code, Section 33500 et.seq.; and

WHEREAS, Friends is a 501(c)(3) non-profit land trust based in the Coachella Valley whose mission includes the conservation of important resource lands in the Coachella Valley; and

WHEREAS, CVCC is a joint powers authority responsible for implementing the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("CVMSHCP") a multi-jurisdictional habitat conservation plan that addresses biological and ecological diversity conservation needs in eastern Riverside County, setting aside significant areas for the conservation of sensitive habitats; and

WHEREAS, Conservancy owns land in the Coachella Valley acquired to conserve the properties' biological, cultural, scenic, scientific, and recreational values; and

WHEREAS, Friends owns land in the Coachella Valley acquired in whole or in part with grants from Conservancy to conserve the properties' biological, cultural, scenic, scientific, and recreational values; and

WHEREAS, Friends acquisition of those properties helps implement Conservancy's mission, and the CVMSHCP, and reduces the State's liability and management costs; and

WHEREAS, Friends intends to acquire additional lands with grants from Conservancy as available, and Friends may from time to time convey those lands, with approval from Conservancy, to other agencies for conservation management, including CVCC, such that the total amount of land subject to this MOU will change over time; and

WHEREAS, CVCC owns and will continue to acquire land in the Coachella Valley to fulfill the requirements of the CVMSHCP to conserve the properties' biological and ecological value; and

WHEREAS, the above described Conservancy land, Friends' land, and CVCC land, along with other land acquired by Conservancy or by Friends with grants from Conservancy, or by CVCC during the term of this MOU, are henceforth herein collectively designated as the Properties; and

WHEREAS, Conservancy, Friends, and CVCC have limited budgets and staff capacity for management of the Properties; and

WHEREAS, cooperative and coordinated management among Conservancy, Friends, and CVCC will create efficiencies and enhance each entity's management capabilities and effectiveness; and

WHEREAS, Conservancy, Friends, and CVCC desire to identify ways in which they intend to cooperate in stewardship of the Properties;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. EFFECTIVE DATE: This MOU is effective as of this 25th day of February 2013, having been executed by all Parties.
2. FRIENDS SHALL:
 - a. Coordinate with Conservancy and CVCC to assess all Properties for management risk based on location, access, known threats, resource sensitivity, and other factors that may be identified from time to time.
 - b. Coordinate with Conservancy and CVCC to monitor the Properties utilizing its Conservation Lands Manager and trained volunteers on a regular basis, which may vary from parcel to parcel depending on management risk and availability of personnel.
 - c. Coordinate with Conservancy and CVCC to undertake management actions identified as necessary through the monitoring to protect the resource values which the Properties were acquired to conserve. Management actions may include fencing or other measures to prevent trespass, clean-up of dumped materials, signage, actions to remove or control invasive species, and coordination with enforcement agencies.
 - d. Recruit and train volunteers to provide stewardship (monitoring and management) of the Properties.
 - e. Maintain a Stewardship Fund to support its stewardship activities.
 - f. Provide an annual, or more frequent, report to Conservancy and CVCC summarizing Friends' stewardship activities since the prior report and goals for the next time period.
3. CONSERVANCY SHALL:
 - a. Coordinate with Friends and CVCC to assess all Properties for management risk based on location, access, known threats, resource sensitivity and other factors that may be identified from time to time.
 - b. Coordinate with Friends and CVCC to monitor the Properties utilizing its staff, as available, on a regular basis, which may vary from parcel to parcel depending on management risk and availability of personnel.

- c. Coordinate with Friends and CVCC to undertake management actions identified as necessary through the monitoring to protect the resource values which the Properties were acquired to conserve. Management actions may include fencing or other measures to prevent trespass, clean-up of dumped materials, signage, actions to remove or control invasive species, and coordination with enforcement agencies.
- d. As funding permits and subject to approval of the Governing Board, provide grants for capital projects for stewardship, such as fencing.
- e. Provide an annual, or more frequent, report to Friends and CVCC summarizing Conservancy stewardship activities since the prior report and goals for the next time period.
- f. Recognize the existence of this MOU in any future Grant Agreements for acquisition or capital projects with Friends and/or CVCC.

4. CVCC SHALL:

- a. Coordinate with Conservancy and Friends to assess all Properties for management risk based on location, access, known threats, resource sensitivity, and other factors that may be identified from time to time.
- b. Coordinate with Conservancy and Friends to monitor the Properties utilizing its staff, as available, on a regular basis, which may vary from parcel to parcel depending on management risk and availability of personnel.
- c. Coordinate with Conservancy and Friends to undertake management actions identified as necessary through the monitoring to protect the resource values which the Properties were acquired to conserve. Management actions may include fencing or other measures to prevent trespass, clean-up of dumped materials, signage, actions to remove or control invasive species, and coordination with enforcement agencies.
- d. Coordinate with Friends and CVCC to provide opportunities for and promote volunteer participation in stewardship (monitoring and management) of the Properties.
- e. Coordinate with Friends and Conservancy to include their stewardship activities in the CVCC database being developed by CVCC to track stewardship activities for the CVMSHCP Reserve System.
- f. Provide the annual report CVCC prepares consistent with the requirements of the CVMSHCP to Conservancy and Friends; the CVMSHCP annual report summarizes CVCC stewardship activities for a given year and goals for the next time period.
- g. Recognize the existence of this MOU in any future Grant Agreements for acquisition or capital projects with Friends and/or Conservancy.
- h. Notwithstanding any other provisions herein, all management actions undertaken by CVCC on their properties will be consistent with the CVMSHCP.

5. GENERAL PROVISIONS:

A. COOPERATION: The Parties agree to cooperatively develop the overall management strategies to be implemented by the Parties for the Properties.

B. MUTUAL COMMITMENT: It is understood that Conservancy's commitments as set forth in this MOU are contingent on Friends and CVCC's continued fulfillment of all of their respective commitments contained herein. Likewise, Friends commitments are contingent on Conservancy's and CVCC's continued fulfillment of all their respective commitments contained herein. Likewise, CVCC's commitments are contingent on Conservancy's and Friends continued fulfillment of all their respective commitments contained herein. The failure by any Party to

continue to fulfill its commitments in any material way will relieve any of the other Parties of any obligations to continue to honor their respective commitments as set forth above.

If one Party believes that one of the other Parties may fail or has failed to fulfill all of its commitments contained herein, the Parties shall promptly meet in an effort to resolve the alleged failure such that all Parties agree to continue to fulfill all of their commitments contained herein.

C. COMPLETE AGREEMENT: Subject to the terms of all other agreements involving the Parties hereto, this MOU contains the complete agreement of Conservancy, Friends, and CVCC in regards to the subject matter of this MOU and there are no other agreements, oral or written except as are included within the terms of this MOU. Any amendments or clarifications to this MOU must be in writing executed by all Parties.

D. SEVERABILITY: Should any provision of this MOU be found to be void or unenforceable, it shall be severable from the rest of this MOU and the remaining terms shall be enforced as if the unenforceable term had not existed.

E. MUTUAL DRAFTING: This MOU shall be deemed to have been drafted by all Parties, with each having equal say and status. In no event shall any term be interpreted more favorable as to one Party or another.

F. TERM: Any party may withdraw from this MOU upon five days written notice to the other Parties, in which case the MOU shall continue in effect as to the remaining Parties; otherwise, this MOU shall remain in effect until terminated by the mutual written consent of the then-remaining Parties.

G. LIMITATIONS: Except as specified in the MOU, nothing in this MOU shall be construed as giving Conservancy, Friends, or CVCC the right or ability to bind the other or create any joint liability as regards the activities under this MOU. Nothing herein shall be construed as obligating the Parties to expend or be involved in any contract or other obligation for the future payment of money in excess of the appropriations authorized by law and administratively allocated for these projects. Nothing in this MOU shall be construed as limiting Friends' ability to convey ownership of any the Properties it owns to another conservation entity as long as such conveyance complies with the terms of the various Grant Agreements in effect between Conservancy and Friends, and nothing in this MOU shall be construed as abrogating or altering any of the terms or conditions set forth in any Grant Agreements or other agreements made by the Parties. Likewise, nothing herein in this MOU shall be construed as limiting CVCC's ability to convey ownership of any the Properties it owns to another conservation entity as long as such conveyance complies with the terms of the CVMSHCP.

H. RECITALS AND EXHIBITS: The above recitals and all attached exhibits are incorporated herein by this reference.

I. THIRD PARTY BENEFICIARIES: Nothing in this MOU shall be construed to confer any rights upon any party not a signatory to this MOU.

J. PRIVILEGES AND IMMUNITIES: Notwithstanding anything to the contrary in this MOU, none of the Parties waives any of the privileges and immunities from liability, exemptions from laws, ordinances and rules, or any pension, relief, disability, worker's compensation and/or any other benefits which apply to the activity of officers, agents or employees of any other Party.

K. **INDEMNITY:** Each Party shall indemnify, protect and hold harmless the other Parties and their respective members, directors, officers, agents, and employees (each an "Indemnified Party"), from and against any and all claims, demands, damages, liabilities, losses, costs (including attorneys' fees) and expenses (collectively, "Claims") arising out of, connected with, or incidental to this Agreement or the acquisition, ownership, use, management, operation or maintenance of the Properties, except that a Party shall have no obligation to indemnify or hold harmless an Indemnified Party for Claims caused by the negligent or wrongful act of that Indemnified Party.

Kevin McKernan
Executive Director
Coachella Valley Mountains Conservancy

John Purcell
Executive Director
Friends of the Desert Mountains

Tom Kirk
Executive Director
Coachella Valley Conservation Commission

ATTACHMENT 4 – February 25th, 2013

Agenda Item 4.3 Resolution 2013-03 approving a local assistance grant to the Friends of the Desert Mountains to support the acquisition of approximately 3,054 acres in the Dos Palmas Conservation Area

BACKGROUND

The proposed acquisition will provide for the protection of existing habitat as well as future potential linkages for wildlife movement in the Dos Palmas Conservation Area. These lands would also significantly connect existing conservation ownership in the BLM-designated Area of Critical Environmental Concern as well as meet nearly all of the conservation acquisition objectives/requirements under the Coachella Valley Multiple Species Habitat Conservation Plan.

There is a unique occurrence in this year's tax default list in that there are a large number of parcels held under one single ownership in the Dos Palmas Conservation Area. The other distinguishing factor is that due to the size and number of parcels, the tax defaulted amount is significantly higher than the traditional purchase price that the Friends can afford with their own discretionary funds. The total purchase price for 2,912 (tax defaulted) of the 3,054 (single ownership total) acres is approximately \$1,509,572, or about \$500 per acres.

This process has been changing at the County for the last few years due to the vast number of tax defaulted properties, likely due to the current economy and housing crisis. This year, the Friends received the list of properties in late November, 2012. However, they did not receive pricing information for the parcels until or about January 7th, 2013, several days after the Conservancy put its agenda out for public notice on January 3rd. The Friends must respond to the county by March 6th in order to object to the tax sale, hence one of the reasons for this re-scheduled meeting. If the Friends are successful in purchasing the properties through tax default, an appraisal will not be necessary.

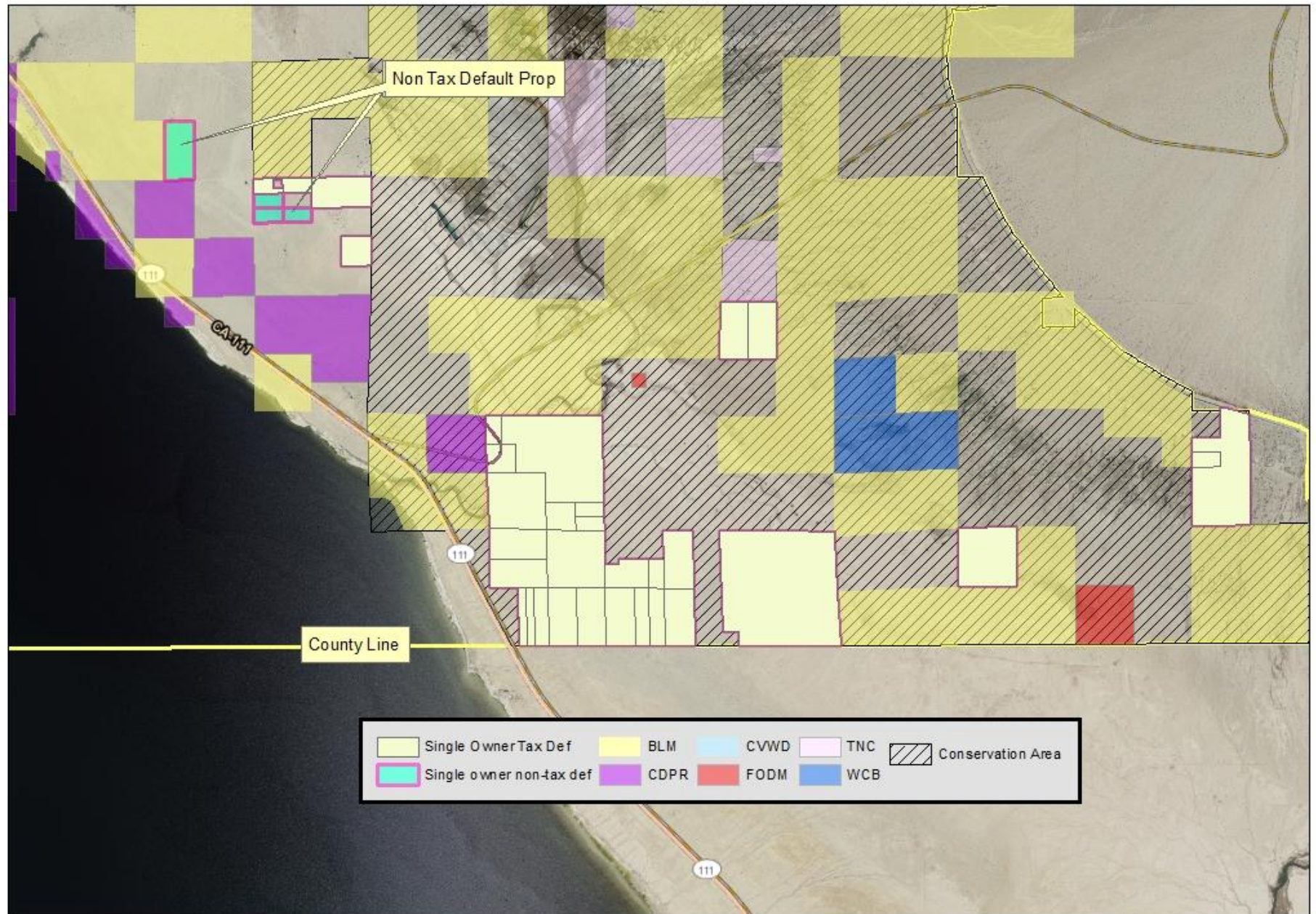
The Friends may also pursue a traditional purchase from the owners if the properties are redeemed from the tax default list. In this scenario the properties would be appraised and an offer made pursuant to the Conservancy and the Friends' normal acquisition process. The grant request to cover either scenario is \$3,000,000 subject to the final approved appraised value. Any unused funds would not be encumbered under the grant request.

These parcels have been previously identified and approved by the board, STO and DOF as outlined in CVMC's current project list as "*Land Acquisition to Support the State Share Under the CVMSHCP/NCCP*". The parcels will be appraised complying with USPAP standards and the appraisal will be reviewed and approved by DGS or an independent qualified appraiser, if the parcels are not purchased through the tax sale process.

STAFF RECOMMENDATION

Staff recommends approval of the attached Resolution 2013-03.

Dos Palmas Project Area



**RESOLUTION 2013-03 OF THE GOVERNING BOARD OF THE
COACHELLA VALLEY MOUNTAINS CONSERVANCY
ADOPTED IN RE-SCHEDULED REGULAR SESSION
FEBRUARY 25, 2013**

**APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS OF THE DESERT
MOUNTAINS TO SUPPORT THE ACQUISITION OF APPROXIMATELY 3,504
ACRES IN THE DOS PALMAS CONSERVATION AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations..."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, The Property comprising of approximately 3,504 acres in unincorporated Riverside County in the Dos Palmas Conservation Area, containing important resource values including sensitive species habitat, historic, and scenic values; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the Friends requests a local assistance grant not to exceed \$3,000,000.00 to purchase this property, plus closing and transaction-related costs; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061(b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$3,000,000.00 plus closing and transaction-related costs, to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the

Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;

2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than June 30, 2014 unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;
6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project

completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. Any revenue generated by Grantee from the property acquired with the grant funds shall be used to benefit the condition of the subject property in consultation with Conservancy staff.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to affect the grant.

PASSED, APPROVED, AND ADOPTED at a **RE-SCHEDULED REGULAR** meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 25th day of February 2013, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ellen Lloyd Trover, Chairwoman
Coachella Valley Mountains Conservancy

ATTACHMENT 5 – February 25th, 2013

Agenda Item 4.4 Resolution 2013-04 approving Board support to provide matching funds for Chino Cone area acquisitions.

BACKGROUND

The feature known as the “Chino Cone”, in Palm Springs, is one of the last relatively undeveloped alluvial fans emanating from the San Jacinto Mountains on the north side. There have been decades of debate and litigation over the potential development of this important landscape and it remains the subject of the City’s Chino Cone Ordinance as a result. The U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, environmental groups and the community have long revered this area for its critical wildlife corridor, namely for Peninsular Bighorn Sheep. The City of Palm Springs has recently made protection of the Chino Cone a high priority as well.

One of the recent successes in the conservation of that area was achieved through a Conservancy grant to the Friends of the Palm Springs Mountains for acquisition of the “Angel Cove” property, 209 acres of transition habitat that sits at the base of the Chino Cone. That successful acquisition lead the City of Palm Springs to negotiate with a neighboring landowner and acquire an additional 15 acres thereby ensuring the protection of that entire cove.

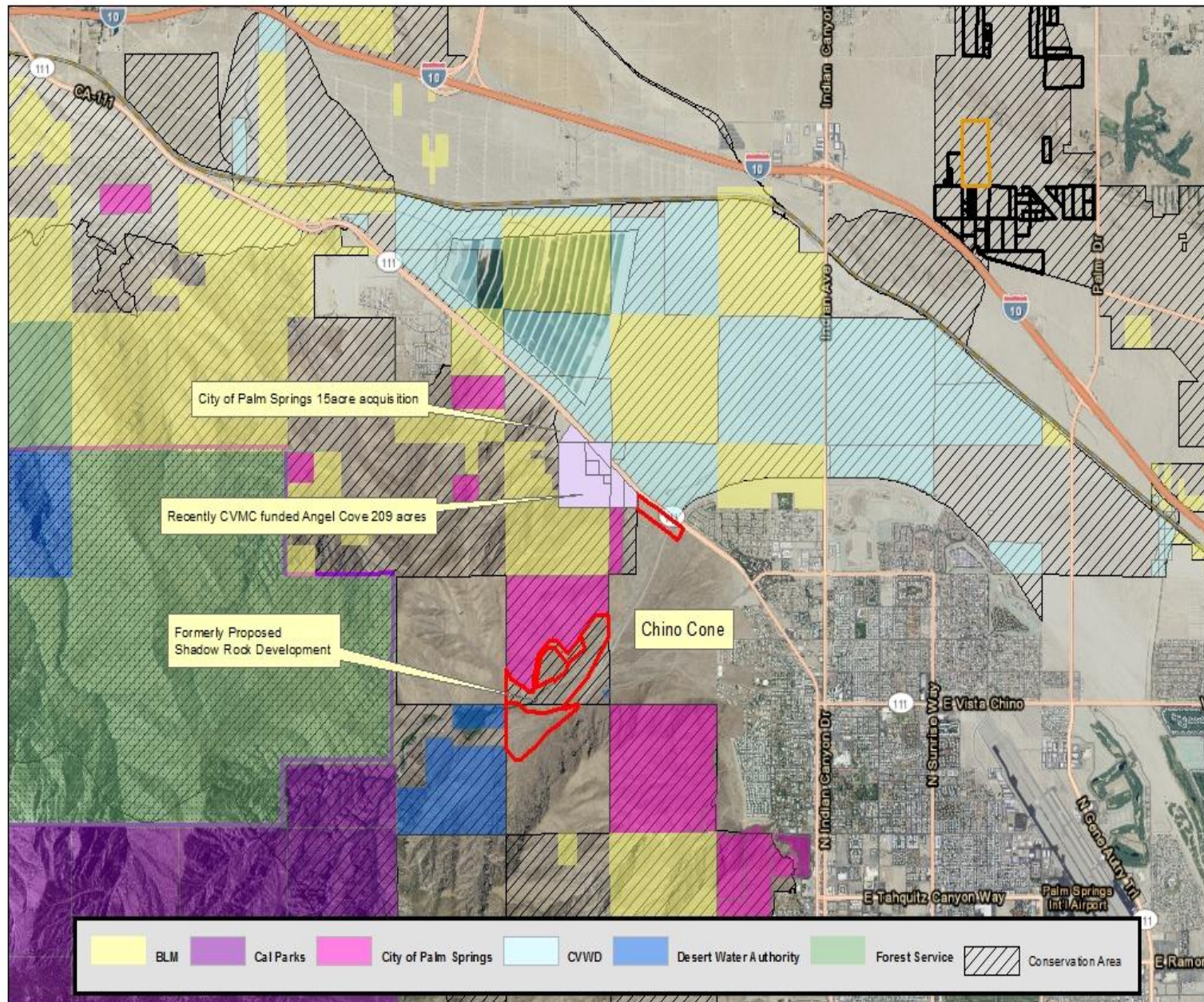
Several of the private parcels on the Cone have been nominated for acquisition in USFWS Section 6 grant applications. To date however, negotiations with landowners have been unsuccessful. A select set of properties are once again listed in this year’s application to the USFWS for acquisition. The Wildlife Conservation Board has also expressed interest in participating in the transaction pending a DGS-approved appraisal.

The Friends of the Palm Springs Mountains has been working diligently work with various landowners in the area for potential acquisition. The Friends have requested that the Conservancy commit a matching portion to the federal Section 6 and Wildlife Conservation Board grants, pending DGS approval of an appraisal and an accepted offer by willing sellers, in an amount not to exceed \$3,000,000.

STAFF RECOMMENDATION

Staff recommends approval of the attached Resolution 2013-04.

Chino Cone Project Area



**RESOLUTION 2013-04 OF THE GOVERNING BOARD OF THE
COACHELLA VALLEY MOUNTAINS CONSERVANCY
ADOPTED IN RE-SCHEDULED REGULAR SESSION
FEBRUARY 25, 2013
APPROVING A COMMITMENT OF MATCHING FUNDS FOR ACQUISITIONS IN
THE CHINO CONE AREA.**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations..."; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the Board hereby expresses its commitment to provide matching funds through local assistance grants not to exceed \$3,000,000.00 plus closing and transaction-related costs; to purchase property in the Chino Cone Area; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061 (b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves its commitment of matching funds through a local assistance grant not to exceed \$3,000,000.00 plus closing and transaction-related costs; and

BE IT FURTHER resolved that this commitment is contingent upon an application by an eligible entity as defined by Public Resources Code Section 33601(e); and

BE IT FURTHER resolved that any acquisition be supported by a purchase and sale agreement based on the appraised value and that appraisal receive approval from the California Department of General Services; and

BE IT FURTHER resolved that at least one or more sources of funds by another federal or state agency are used for the acquisition; and

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to effect the grant.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 25th day of February 2013, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ellen Lloyd Trover, Chairwoman
Coachella Valley Mountains Conservancy

ATTACHMENT 6 – February 25th, 2013

Agenda Item 4.5 Resolution 2013-05 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 51.33 acres in the Willow Hole Conservation Area.

BACKGROUND

In November, 2012, the Coachella Valley Conservation Commission completed an appraisal of fifty parcels in the Willow Hole Conservation Area under its acquisition program. There were a number of subsequent willing sellers identified and since that time, the CVCC has indicated to the Conservancy that it has exhausted its land acquisition budget for this year and the near future.

One of the landowners approached the Friends of the Desert Mountains once they were informed that CVCC did not have the ability to purchase their property. The Friends are requesting that the Conservancy consider a grant for the acquisition. The seller has indicated that they are willing to sell at this time for appraised value.

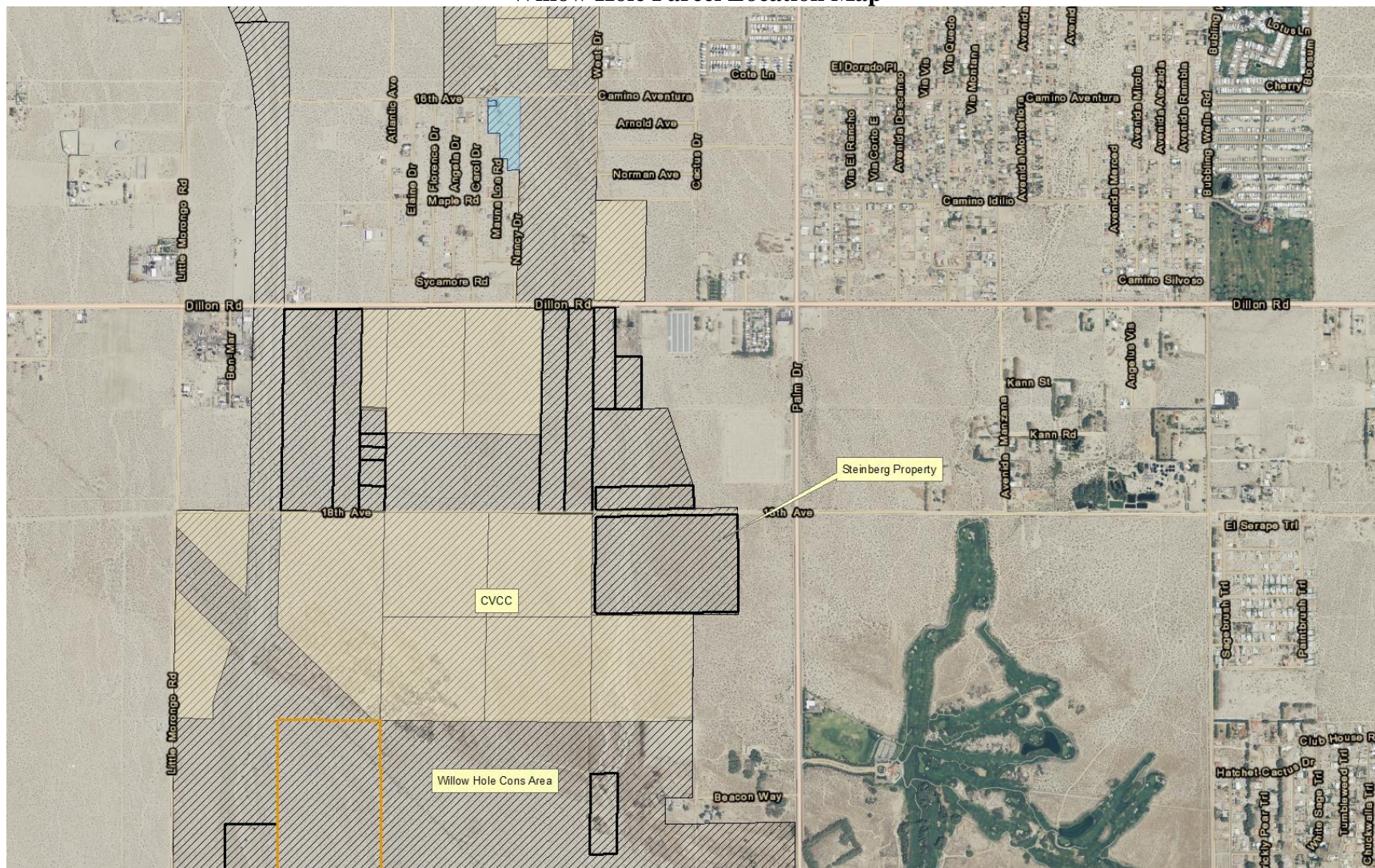
This property is one of the last remaining large ownerships (>40ac.) in this Conservation Area. The parcel is located within the Willow Hole Conservation Area and within an important sand transport area for the original Willow Hole/Edom Hill Coachella Valley Fringe-toed Lizard (CVFTL) Preserve. This property also provides habitat for the CVFTL, the Coachella Valley round-tailed ground squirrel, the Palm Springs pocket mouse, and the Coachella Valley milkvetch.

With the proposed MOU for the coordination of land management activities between the Conservancy, the Commission and the Friends, coupled with a proposed letter of intent whereby the Commission will prioritize the purchase of parcels from the Friends in the future when funds become available, the Friends and the Conservancy are agreeing to play an important role in acquiring this parcel now, during these market conditions with a willing seller, toward the goal of successful CVMSHCP implementation in the long term. In time, it is anticipated that this parcel will be sold to the Commission when it has adequate mitigation fees and as part of their requirement as the Permittee under the Plan. Should CVCC purchase the property at a future date, Conservancy grant funds would be returned much in the same way as BLM has acquired parcels from the Friends in the National Monument.

STAFF RECOMMENDATION

Staff recommends the adoption of Resolution 2013-05 approving a grant in the amount of \$355,000, which includes the appraised value of \$350,000 plus anticipated closing costs, for the acquisition of parcel number 657-280-014.

Willow Hole Parcel Location Map



**RESOLUTION 2013-05 OF THE GOVERNING BOARD OF THE
COACHELLA VALLEY MOUNTAINS CONSERVANCY
ADOPTED IN RE-SCHEDULED REGULAR SESSION
FEBRUARY 25, 2013**

**APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS OF THE DESERT
MOUNTAINS FOR ACQUISITION OF APPROXIMATELY 51.33 ACRES IN THE
WILLOW HOLE CONSERVATION AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations..."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, The Property (APN 657-280-014) comprising of approximately 51.33 acres in unincorporated Riverside County in the Willow Hole Conservation Area, containing important resource values including sensitive species habitat, historic, and scenic values; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the Friends requests a local assistance grant not to exceed \$350,000.00 to purchase this property, plus closing and transaction-related costs; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061(b) (3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$350,000.00 plus closing and transaction-related costs, to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the

Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;

2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than June 30, 2014 unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;
6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project

completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. Any revenue generated by Grantee from the property acquired with the grant funds shall be used to benefit the condition of the subject property in consultation with Conservancy staff.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to affect the grant.

PASSED, APPROVED, AND ADOPTED at a **RE-SCHEDULED REGULAR** meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 25th day of February 2013, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ellen Lloyd Trover, Chairwoman
Coachella Valley Mountains Conservancy

ATTACHMENT 7 – February 25th, 2013

Agenda Item 4.5 Resolution 2013-06 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 39.4 acres in the Upper Mission Creek/Big Morongo Canyon Conservation Area.

BACKGROUND

This property has the same set of circumstance as item 4.4 above. This was originally a CVCC targeted property in early 2012. This property was also included in the latest USFWS Section 6 grant. The property owners were initially unresponsive to offers; however, they have now approached the Friends with a willingness to sell at appraised value. The CVCC is not in a position to purchase this parcel as previously described.

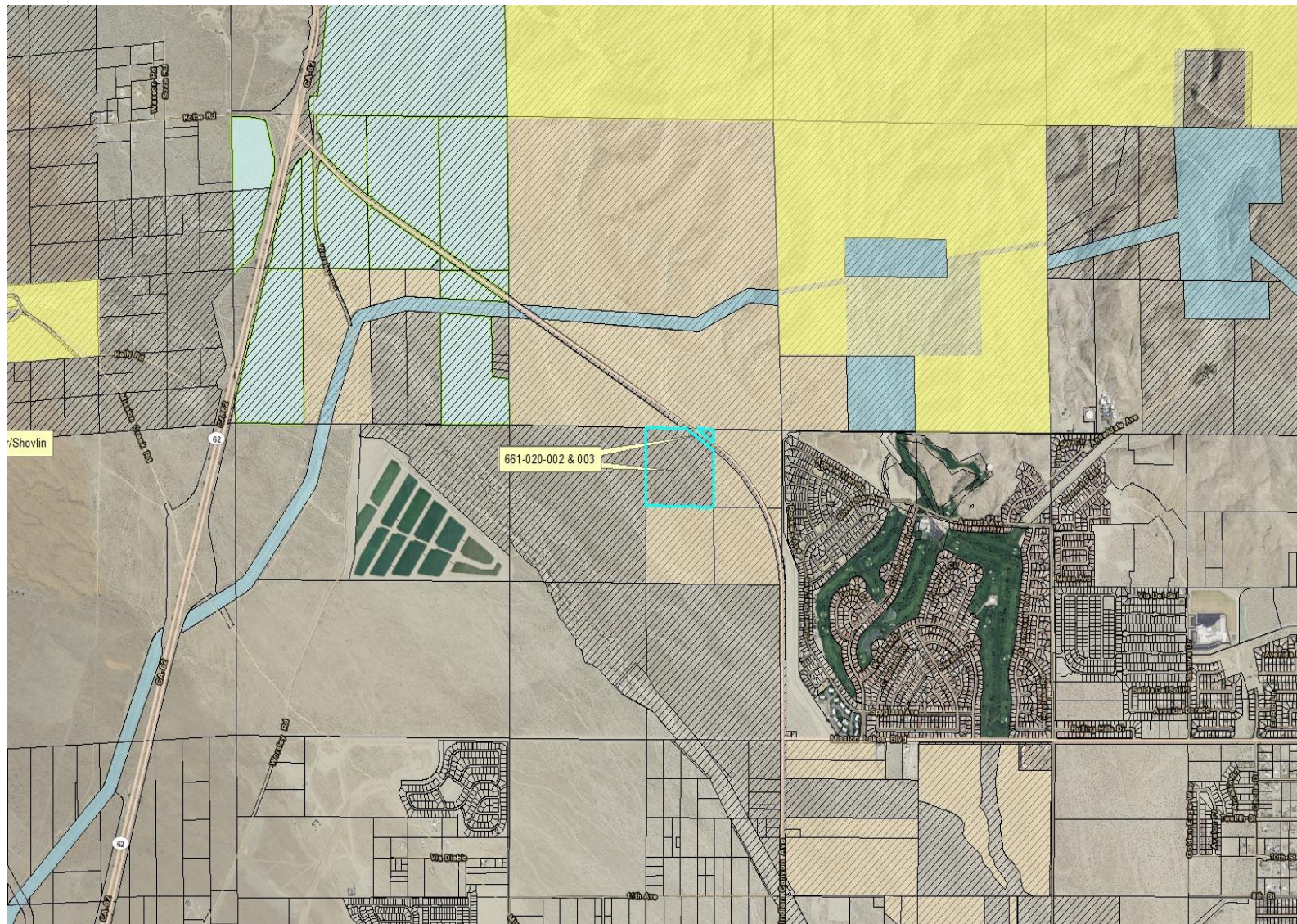
The parcel is located within the Upper Mission Creek/Big Morongo Canyon Conservation Area and within an important sand transport area that ultimately feeds the original Willow Hole/Edom Hill Coachella Valley Fringe-toed Lizard (CVFTL) Preserve downstream. This property also provides habitat for the Coachella Valley round-tailed ground squirrel, the Palm Springs pocket mouse, and Little San Bernardino Mountains Linanthus.

With the proposed MOU for the coordination of land management activities between the Conservancy, the Commission and the Friends, coupled with a proposed letter of intent whereby the Commission will prioritize the purchase of parcels such as these in the future when funds become available, the Friends and the Conservancy are agreeing to play an important role in acquiring this parcel now, during these market conditions with a willing seller, toward the goal of successful CVMSHCP implementation. In time, it is anticipated that this parcel will be sold to the Commission when it has adequate mitigation fees and as part of their requirement as the Permittee under the Plan. Those funds would then be returned to the Conservancy much in the same way that other lands in the National Monument and wilderness areas are purchased from the Friends by BLM.

STAFF RECOMMENDATION

Staff recommends the adoption of Resolution 2013-06 approving a grant in the amount of \$410,000, which includes the appraised value of \$405,000 plus anticipated closing costs, for the acquisition of parcel number 661-020-002 and 661-020-003.

Upper Mission Creek Location Map



**RESOLUTION 2013-06 OF THE GOVERNING BOARD OF THE
COACHELLA VALLEY MOUNTAINS CONSERVANCY
ADOPTED IN RE-SCHEDULED REGULAR SESSION
FEBRUARY 25, 2013**

**APPROVING A LOCAL ASSISTANCE GRANT TO THE FRIENDS OF THE DESERT
MOUNTAINS FOR ACQUISITION OF APPROXIMATELY 39.4 ACRES IN THE
UPPER MISSION CREEK/BIG MORONGO CANYON CONSERVATION AREA**

WHEREAS, Public Resources Code Section 33501 created the Coachella Valley Mountains Conservancy for the purpose, among other things, of acquiring and holding, in perpetual open space, mountainous lands surrounding the Coachella Valley and natural community conservation lands, upon approval of a Natural Community Conservation Plan, for the protection of natural and cultural resources and the public's enjoyment thereof; and

WHEREAS, Public Resources Code Section 33601(e) provides that the Conservancy may "in order to further the conservancy's purposes as set forth in Section 33501, award grants to cities, counties, resource conservation districts, or nonprofit organizations...."; and

WHEREAS, the Friends of the Desert Mountains ("Friends") is a nonprofit organization qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, and has as its purpose the acquisition and protection of land in the Coachella Valley area; and

WHEREAS, The Property (APNs 661-020-002 and 661-020-003) comprising of approximately 39.44 acres in unincorporated Riverside County in the Upper Mission Creek/Big Morongo Conservation Area, containing important resource values including sensitive species habitat, historic, and scenic values; and

WHEREAS, it is in furtherance of the Conservancy's purposes as established in Public Resources Code Section 33501 to protect this area; and

WHEREAS, the Friends requests a local assistance grant not to exceed \$405,000.00 to purchase this property, plus closing and transaction-related costs; and

WHEREAS, this acquisition is exempt from further CEQA review pursuant to sections 15061(b)(3), 15313, 15316, and 15325 of the Code of Regulations, Title 14;

NOW, THEREFORE, be it resolved in regular session of the Governing Board of the Coachella Valley Mountains Conservancy that the Board approves a local assistance grant not to exceed \$405,000.00 plus closing and transaction-related costs, to the Friends to assist with the acquisition; and

BE IT FURTHER resolved, that a condition of the grant is that the Friends shall enter into an Acquisition Grant Agreement with the Conservancy, which shall contain provisions requiring the following:

1. That the Friends will agree to defend, indemnify, and hold harmless the Conservancy and the State of California, its contractors, officers, directors, agents or employees against any and all claims, liability, demands, damages, debts, judgments, costs, or expenses, including reasonable attorney's fees, arising out of or in any way connected to the

Grantee's actions, omissions, or other conduct relating in any way to this agreement and the Real Property, including, but not limited to, any such losses, damages, or expenses arising out of (a) loss of or damage to the Real Property, and (b) injury to or death of persons;

2. That the Friends shall execute and record a Notice of Unrecorded Grant Agreement and execute a Memorandum of Understanding with the Conservancy designed to assure that the properties acquired with the grant sum shall be protected, maintained, and managed consistent with the Conservancy's mission as defined in Public Resources Code Section 33501;
3. That the Friends must return all funds not used for the acquisition purpose described above no later than June 30, 2014 unless both parties mutually agree in writing to an extension;
4. That the Friends shall not convey title or any other interest in the properties acquired with the grant sum to any other person or entity without the express written approval of the Conservancy;
5. That upon the sale or conveyance of any interest in the property acquired with the grant sum, the Friends shall reimburse the Conservancy for the full amount of the grant sum unless the funds received from the sale or conveyance are less than the amount of the grant sum, whereupon the Friends shall provide the Conservancy with all funds obtained from the sale or conveyance less costs incurred by the Friends arising from the sale or conveyance;
6. That if the Friends ceases to exist as an organization or if the Friends materially breaches the grant agreement, title to the properties acquired with the grant sum shall automatically be conveyed to the State of California upon approval by the State Public Works Board;
7. That the Friends shall maintain accounting records of how the grant sum was spent and shall make such records available for inspection by the Conservancy or the Department of Finance upon request by either agency;
8. That the Conservancy shall review and approve all documents pertaining to the acquisition of the properties described above, including but not limited to title reports obtained by Friends prior to acquisition of said properties; and
9. That any unused grant funds must be returned to the Coachella Valley Mountains Conservancy, along with any accrued interest, not later than one month after the project

completion date. Should interest be earned on the grant funds between their disbursement and expenditure for the purchase of the property, the interest may be applied toward the purchase price. Otherwise, any such interest must be paid to the Coachella Valley Mountains Conservancy. Any revenue generated by Grantee from the property acquired with the grant funds shall be used to benefit the condition of the subject property in consultation with Conservancy staff.

BE IT FURTHER resolved that the Board hereby authorizes its Chairperson, or in his absence the Executive Director, to execute any and all documents necessary to affect the grant.

PASSED, APPROVED, AND ADOPTED at a **RE-SCHEDULED REGULAR** meeting of the Coachella Valley Mountains Conservancy Governing Board, held on this 25th day of February 2013, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ellen Lloyd Trover, Chairwoman
Coachella Valley Mountains Conservancy

ATTACHMENT 8 – February 25th, 2013

Agenda Item 6.1: Written Reports from Staff

Prepared by Kevin McKernan and Kerrie Godfrey

ACQUISITION UPDATES:

The following projects have closed since the board last met or are in the final stages as indicated below:

FODM Stearns Bank Transfer to BLM- In-work and expect completion unknown.

FODM Palmwood - Closed January 31, 2013.

FODM Joshua Hills – Opened Escrow and projected to close by March 31, 2013.

FODM East Valley Canyons Protection Project – Appraisal in-work.

WCB Section 5 La Quinta- Section 6 matching funds parcels in Section 5 of the Santa Rosa Mountains Peninsular bighorn sheep habitat protection area. Grant amount \$112,500. WCB approved the acquisition at their February 23, 2012 meeting. WCB closed on 4 of the 5 project areas. The remaining portion of the phased acquisition is pending cancellation.

CVCC Acquisition Manager:

Conservancy staff has continued to assist the Coachella Valley Conservation Commission (CVCC) with its acquisition program in our capacity as its Acquisitions Manager and currently has 10 projects in escrow.

CNLM will commence transferring phase 2 parcels to CVCC for management reasons in March 2013.

CVCC Tax Default 10-11 Projects Agreement signed and sent to the County and the State Controller's Office for signature. Expect to request funds and close upon signature of the agreement by the State Controller's Office.

CVMC BOND FUND REMAINING AFTER APPROVAL OF GRANTS:

Total Appropriation:	\$34,740,000.00
Abatements (Returned Funds):	<u>\$ 3,490,777.00</u>
	\$38,230,777.00
Total Expended:	\$30,870,143.00
Total Remaining:	\$ 7,360,634.00

OTHER ITEMS:

Conservation Funding Information Network subscription

The Executive Director attended the All-Conservancy meeting in the San Francisco area on January 15th and 16th. A lot of good information was exchanged between the Executive

Directors/Officers of the Conservancies in the areas of policy, budget, project implementation and outreach. The group was also introduced to an opportunity to subscribe to the Conservation Finance Information Network, and effort developed by the Planning and Conservation League Foundation. CVMC has subscribed to this annual service in the amount of \$4,800/yr. Since the Conservancy is so remote to the state capitol and does not have the luxury of regular visits to the various departments, this service will enable CVMC to stay abreast of emerging opportunities that are vital to its mission.

Joint Letter in Support of Chino Cone Conservation Acquisition

The Executive Director, along with the Regional Director of California Department of Fish and Wildlife and the Assistant Field Supervisor of the U.S. Fish and Wildlife Service signed a letter to the Resources Law Group in support of the Friends of the Palm Springs Mountains' efforts to acquire and protect lands in the Chino Cone area. See letter attached below.

CONFLICT OF INTEREST (FORM 700) DUE TO FPPC NLT APRIL 01, 2013:

The Conservancy is required to submit a Statement of Economic Interest Form 700 to the Fair Political Practices Commission (FPPC) for all current Governing Board Members. Board Members are also required to submit forms when they assume/leave office.

If you are a current State employee you most likely have a Form 700 completed however, if you would like one, please let us know, or the 2012/2013 Form 700 and Reference Pamphlet are now available on the following website, www.fppc.ca.gov. This form complies with what our legal counsel from the Attorney General's office requires.

For those of you who are officials serving in a federal capacity, you are not required to complete Form 700. However, the Conservancy must annually obtain, and maintain for public inspection, any financial disclosure report filed by the federal official pursuant to federal law.

Please mail or hand deliver the completed Form 700 to the Conservancy office **No Later Than March 29, 2013**. If you have any questions please call the Conservancy at (760) 776-5026.

NOTE: If you are a representative for more than one committee, simply file one form and attach a list of the committees for which you are a member.



U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way,
Suite 208
Palm Springs, California 92262



California Department of Fish and
Wildlife
Inland Deserts Region
3602 Inland Empire Boulevard,
Suite C-220
Ontario, California 91764



State of California
Coachella Valley Mountains
Conservancy
73-710 Fred Waring Drive,
Suite 205
Palm Desert, California 92260

In Reply Refer To:
FWS/CDFW/CVMC-ERIV-10B0639-13TA0125

JAN 17 2013

Ms. Julie Turrini
Attorney
Resources Law Group, L.L.P.
555 Capitol Mall, Suite 1090
Sacramento, California 95814

Subject: Support of Packard Foundation Loan Application for Purchase of Chino Canyon
Property by the Friends of Palm Springs Mountains, Riverside County, California

Dear Ms. Turrini:

We, the undersigned representatives of the U.S. Fish and Wildlife Service (Service), California Department of Fish and Wildlife (Department), and the Coachella Valley Mountains Conservancy (Conservancy), are writing to support the Packard Foundation loan application for purchase of Chino Canyon property by the Friends of Palm Springs Mountains.

The Friends of Palm Springs Mountains has been working for several years to conserve this important habitat and scenic open space area at the entry to the City of Palm Springs, California. Chino Canyon, where the property is located, is one of the largest canyons in the San Jacinto Mountains and includes a massive alluvial fan which spills out onto the floor of Coachella Valley.

Chino Canyon has been the highest priority for conservation by our respective agencies for over a decade. The proposed acquisition of over 300 acres of land in Chino Canyon would result in the conservation of one of the last remaining privately held linkages within the greater Palm Springs area for the Peninsular bighorn sheep (*Ovis canadensis nelsoni*), a federally endangered and State fully protected distinct population segment of desert bighorn sheep.

For decades, the Chino Canyon area has been threatened by proposed housing and resort development. The values that would be lost include natural open space, scenic desert viewsheds, Peninsular bighorn sheep habitat, and a Peninsular bighorn sheep linkage. The linkage crosses the Chino Canyon property connecting the northern most part of the Peninsular bighorn sheep's range with areas to the south.

The fragile alluvial fan and the mountains of the area are rich in biodiversity and sustain a variety of valuable wildlife, plant species, and ecosystems that provide opportunities for education, recreation, and interaction with an irreplaceable and highly unique natural resource. In addition, the rugged mountains and sweeping desert landscapes of the alluvial fan create stunning vistas.

Portions of the Chino Canyon area are included in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and Natural Community Conservation Plan (NCCP). The CVMSHCP/NCCP is designed to enhance and maintain biological diversity and ecosystem processes. In addition to supporting the important Peninsular bighorn sheep linkage and habitat area, this property also provides habitat for the southern yellow bat, least Bells' vireo, southwestern willow flycatcher, and other migratory birds. Golden Eagles and other raptors have been observed in the area and nesting sites likely occur nearby in the rugged terrain. The Service is also working with the Agua Caliente Band of Cahuilla Indians to identify potential conservation options for the Peninsular bighorn sheep habitat associated with the Tribal Habitat Conservation Plan, which includes portions of Chino Canyon.

We are committed to applying for funding to support this acquisition through section 6 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and other appropriate funding opportunities, although we cannot predict the outcome of such funding applications. Further, if funding for this property was awarded through a section 6 grant, the funds may take a year to mature from the time of submitting the application. We can apply for a grant under section 6 each year for the next 3 years or more as necessary.

This acquisition is our top priority for the Coachella Valley and it is our intent to support grant applications that would award funds to the Friends of Palm Springs Mountains in order to repay loans the Packard Foundation may grant in order to achieve this acquisition within 2013, according to our understanding of the seller's requirements.

We appreciate your consideration of the Friends of Palm Springs Mountains loan request, and wholeheartedly offer our support. Please contact the Service at telephone 760-322-2070, the Department at 760-484-0167, or the Conservancy at 760-776-5026 regarding any questions or clarifications.

Sincerely,



Kennon A. Corey
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Kimberly Nicol
Regional Manager
California Department of Fish and Wildlife



Kevin McKernan
Executive Director
Coachella Valley Mountains Conservancy